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FISCAL IMPACT STATEMENT

LS 7302
BILL NUMBER: HB 1344

NOTE PREPARED: Jan 30, 2009
BILL AMENDED:

SUBJECT: Administration of property tax deductions.

FIRST AUTHOR: Rep. Pryor
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Landlord Listings:* This bill provides that a county auditor may request a list of landlords and addresses for single family dwellings being rented under a housing program administered under the Indiana Housing and Community Development Authority (IHCDA) law or being rented through township assistance.

Standard Deduction: The bill requires an application for a property tax standard deduction to include: (1) the last five digits of the applicant's Social Security number and the last five digits of the Social Security number of the applicant's spouse; and (2) information concerning any other location where the applicant or the applicant's spouse owns, is buying on contract, or has a beneficial interest in residential property. It requires sales disclosure forms, closing agent forms, and property tax bills to include information concerning the consequences of claiming more than one standard deduction and the procedures and deadlines for terminating a standard deduction. The bill requires homestead owners to verify each year that their property is their principal place of residence and it establishes other filing requirements for a property tax standard deduction that are similar to the filing requirements that applied to homestead credit applications. The bill also allows legal entities whose sole owner is the individual residing in a homestead to claim the standard deduction.

Provisional Tax Statements: This bill provides that a county treasurer may apply a property tax deduction or homestead credit on a provisional tax statement and requires deductions and credits to be applied if a provisional statement is used two consecutive years. The bill also provides that deductions and credits are removed from property when a tax statement is returned with an expired forwarding order.

Improper Deductions and Credits: This bill imposes a civil penalty of $100 for each year a person wrongly takes a property tax deduction or credit. The bill provides that the county auditor shall prepare and send a notice of taxes due when a deduction is wrongly claimed and it permits a county auditor to use delinquent taxes, interest, and penalties collected in response to the termination of a standard deduction to pay for the costs of discovering erroneously granted standard deductions and for other expenses of the office of the county auditor.

Sales Disclosure Form: This bill also makes other changes to reconcile differences in the law related to the enactment of HEA 1001-2008 and HEA 1293-2008.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Landlord Listings:* The IHCDA currently administers the Section 8 voucher assistance program for single-family rentals. In some areas, however, the program is administered by a local agency. This bill would require the IHCDA to provide property addresses and owner names for properties in the program upon request of a county auditor. The IHCDA would be able to complete this task with current resources.

Standard Deduction - Applications: The Department of Local Government Finance (DLGF) would have to amend the sales disclosure form (SDF) to include instructions and information that would permit a taxpayer to terminate a standard deduction on a property that is no longer homestead-eligible. The information would include an explanation of the tax consequences and penalties for unlawfully claiming a standard deduction.

The DLGF designs the SDF and also maintains a web site for electronic entry of the forms. Minor changes would need to be made to both the paper form and the web site to allow for the changes under this bill. The DLGF should be able to make these changes within its existing level of resources.

Standard Deduction - Eligibility: Under this proposal, the DLGF would be required to maintain a homestead property database with secure access for county auditors. The database must include the owner's name and the last five digits of the owner(s) social security number(s). The database would be used to verify whether a property owner is wrongly claiming deductions and credits that are available against homestead property. The DLGF already maintains a homestead lookup database that may be used by local officials. The database includes the name and address of the homestead owner and the property parcel number. The last five digits of the social security number would have to be added and the access would have to be secured. The DLGF should be able to make these changes within its existing level of resources.

Explanation of State Revenues:

Explanation of Local Expenditures: *Standard Deduction - Eligibility:* Under current law, the county treasurer must annually mail a tax statement, called a TS-1, to each property owner. Under this bill, the TS-1 would have to contain the procedure and deadline for a taxpayer to notify the county that property no longer qualifies for a deduction or credit that has been previously granted.

The treasurer would also have to include an additional notice on different colored paper along with the mailing of the TS-1. The notice would explain the tax consequences and penalties for unlawfully claiming a standard deduction. A taxpayer who no longer qualifies for the deduction would be required to return the notice to the county auditor. If the tax statement is returned to the county treasurer as undeliverable with an expired forwarding order, all deductions and credits would be removed from the property.

The additional printing and handling of the notice would increase the treasurer's expense for sending the TS-1. There are just over 1.7 M homesteads statewide.

Landlord Listings: This bill would require township trustees to provide property addresses and landlord names for single family dwellings for which the trustee provides housing assistance if requested by the county auditor. The trustees must provide the lists without charge.

Explanation of Local Revenues: *Homesteads - Generally:* The homestead standard deduction equals $45,000, limited to 60% of the homestead's gross assessed value. Homeowners who receive the standard deduction also receive the supplemental standard deduction that provides an additional deduction of up to 35% of the net AV remaining after application of the standard deduction. Additionally, homesteads in many counties also receive county-funded homestead credits. In 2010, the net property tax on homesteads will be limited to 1% of gross AV whereas non-homestead residential property will have a 2% circuit breaker cap.

Many provisions of this bill would assist county auditors in their duty to ensure that only eligible taxpayers receive the standard deduction and other homestead benefits on only one property. If these provisions result in a reduction the number of properties with homestead status, then the increased tax base would shift a part of the tax burden from all taxpayers to the now homestead-ineligible properties. The amount of county-funded credits credited to the remaining homesteads would, for the most part, be increased. The higher tax cap for the now homestead-ineligible properties would increase property tax collections for taxing units where net taxes for some homesteads exceed the 1% circuit breaker cap.

Standard Deduction - Applications: Before the passage of HEA 1001-2008, homeowners filed an application for the state homestead credit and the standard deduction was automatically granted to all homeowners who received the credit. Since the homestead credit was eliminated by HEA 1001-2008, homeowners must now apply directly for the standard deduction. This bill reconciles multiple versions of the deduction statutes and completes the transformation so that the eligibility and filing requirements for the standard deduction are similar to those of the former homestead credit. Under ths bill, homeowners may apply for the standard deduction on a SDF and may apply at any time during the assessment year to be effective for taxes payable in the following year.

Under previous law, an application for the homestead credit had to include the name of <u>any other county and township</u> in which the applicant owns or is buying real property. This bill would require that an application for the standard deduction include the name of <u>any location</u> in which the applicant <u>or spouse</u> owns, is buying, <u>or has a beneficial interest in</u>, real property. The bill would also require the transferee and spouse to include the last five digits of their social security numbers.

Standard Deduction - Eligibility: Under current law, the standard deduction may be claimed by an individual or by a trust. This bill would also permit other entities to claim the deduction if the occupant of the home is the sole owner of the entity, the entity's only purpose is ownership of the home, and the individual occupant otherwise qualifies for the deduction.

If this provision results in an increase in the number of eligible taxpayers, then the newly qualified taxpayers would receive homestead benefits. The additional deductions would shift a part of the tax burden from the newly qualified taxpayers to all other taxpayers. The county-funded credits received by these taxpayers would, for the most part, reduce the amount credited to existing homeowners. The lower tax cap would reduce property tax collections for taxing units where net taxes for some homesteads exceed the 1% circuit breaker cap.

Standard Deduction - Penalty Provisions: Under this bill, a taxpayer must notify the county auditor within 60 days of any change in the use of homestead property that renders all or part of the property ineligible for the standard deduction. Failure to make the notification would result in a liability for the taxes that would have been due on the property without the deductions and associated credits plus a penalty of $100 per year. Under the bill, each county auditor would be required to establish a non-reverting fund for deposit of delinquent taxes, penalties, and interest collected only from taxpayers who received the standard deduction and associated benefits but were found to be ineligible. Money in the fund could only be used, without appropriation, by the county auditor to cover fees and costs incurred in the discovery of improper standard deductions and homestead credits or for other expenses of the auditor's office. These funds may not be considered in setting the auditor's budget or the county's tax levy.

Provisional Tax Statements: Under current law, a county may elect to send out provisional tax statements to its taxpayers if the county abstract is not completed by March 15th of the tax payment year. The abstract is prepared when tax rates are certified and tax bills are figured. Provisional bills are based on 90% of the previous year's taxes. The first installment is due on May 10th unless the notice of reassessment or trended assessment is sent after March 26th, in which case the payment is due 45 days after the tax billing statement is mailed. The second installment is due on November 10th unless the May due date was delayed, in which case the November due date may be moved to any date through December 31st.

Under this proposal, the May 10th and November 10th installment dates would no longer be specified. The county treasurer would have the option of applying deductions and credits on a provisional bill but would be required to apply them if provisional billings have been used for two consecutive years. Both the provisional bill and reconciliation bill would have to include the procedure and deadline for a taxpayer to notify the county that property no longer qualifies for a deduction or credit that has been previously granted. The statements would also have to include an explanation of the tax consequences and penalties for unlawfully claiming a standard deduction.

The amount billed through provisional billings for some taxpayers could be reduced under this bill if the treasurer applies deductions and credits in a year that result in tax a bill equal to less than 90% of the previous year's bill. The full year's property taxes are settled through the reconciliation bill.

State Agencies Affected: Indiana Housing and Community Development Authority; Department of Local Government Finance.

Local Agencies Affected: County auditors; County treasurers; Township trustees.

Information Sources:

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